

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 25 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01691

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests his general discharge be changed to honorable. Applicant's submission is at Exhibit A.

The Air Force Discharge Review Board (AFDRB) denied applicant's request on 29 July 1998. In accordance with policy, the application was forwarded to this Board for further consideration (Exhibit C). The AFDRB brief was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the AFDRB brief appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Charlene M. Bradley, Mr. Terry A. Yonkers, and Ms. Peggy E. Gordon considered this application on 16 December 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. AFDRB Brief
- D. AFBCMR Ltr Forwarding AFDRB Brief



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

4 Dec 95

MEMORANDUM FOR [REDACTED]

FROM: [REDACTED]

SUBJECT: Letter of Notification

1. I **am** recommending your discharge from the United States **Air** Force for Misconduct—A Pattern of Misconduct. The authority for my recommendation is AFPD **36-32** and **AFI 36-3208**, paragraph **5.50.2**. If my recommendation is approved, your service will be characterized as honorable or general. I **am** recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 6 November **1995** you were disrespectful in department towards [REDACTED]. For this offense you received nonjudicial punishment consisting a reduction to the grade of Airman effective **27 November 1995**. (Atch 1-1)

b. On or about **18 February 1995** you communicated a **threat** to another military member, [REDACTED]. For this incident you received a letter of reprimand, dated **3 March 1995**. (Atch 1-2)

c. On or about **25 March 1994** you were disrespectful in language and deportment towards [REDACTED]. On **24 March 1994** you failed to report for duty on time to room **121 of the Field Training Detachment**. For these offenses you received nonjudicial punishment consisting of suspended reduction to the grade of Airman and forfeiture of **\$75.00** of your pay per month for two months. (Atch 1-3)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

3. You have the right to consult counsel. Military legal counsel **has** been obtained to assist you. I have made **an** appointment for you to consult [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 1500 hrs on 6 December 95. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 5 1-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

4. You have the right to submit statements in your own behalf. Any statements you want the separation **authority to** consider must reach me by 11 Dec 95 unless you request **and** receive **an** extension for good cause shown. I will send them to the separation authority.
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute **a** waiver of your right to do **so**.
6. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Physical ~~Exam~~ Section at **0930 hrs** on **5 December 1995** for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement **as** explained in AFI **36-3208**, attachment **2**. A copy **of AFI 36-3208 is** available **for** your use in the unit orderly room.
8. Execute the acknowledgment provided and return to me immediately.



Commander, 55th Maintenance Squadron

Attachments:

- Atch 1-1; Article **15**, **27** November 1995.
- Atch 1-2; Letter of reprimand, dated 3 March 1995.
- Atch 1-3; Article 15, 7 April **1994**.